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PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1-15870/12.

29th October 2013.

In exercise of the powers conferred by Section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and of all other powers enabling it in this behalf, the High Court of Kerala, with the approval of the Government of Kerala, hereby publishes the following draft rules in respect of the amendments proposed to Order LIV of the First Schedule of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for general information.

Notice is hereby given that objections or suggestions, if any, with respect to the draft received from any person within thirty days from the date of publication of this notification in the official gazette will be considered by the High Court. Objections or

suggestions, if any shall be addressed to the Registrar (Subordinate Judiciary), High Court of Kerala, Kochi-682 031.

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Code of Civil Procedure (Kerala Amendment) Rules, 2013.

(2) It shall come into force at once.

2. *Amendment of the Rules.*—In the First Schedule of the Code of Civil Procedure, 1908,—

(a) in Order LIV, in Rule 1, for the sentence ‘The caveat shall be in the form prescribed in the Appendix and shall be accompanied by vakalath in the prescribed form’, the following shall be substituted, namely:—

‘The caveat shall be in the form prescribed for the purpose in Appendix D-I. If the caveator engages an Advocate, the Caveat shall be accompanied by vakalath in the prescribed form.’

(b) In appendix B, in Form No. 3 under Order V Rule 3, in the first paragraph, after the opening sentence starting with the word 'Whereas' and ending with the words 'in support of your defence', the following sentence shall be inserted, namely:—

'you are also called upon to file your written statement or objection, if any, within thirty days from the date of service of this summons.'

By order,

N. ANIL KUMAR,

Registrar (Subordinate Judiciary).

Explanatory Note

(This is not part of the notification, but is intended to indicate its general purport.)

The High Court has noticed certain discrepancy between rule 1 and rule 5 of Order LIV of the Code of Civil Procedure, 1908. Whereas, Rule 1 insists that the caveat shall be in the form prescribed under the Appendix and shall be accompanied by a vakalath in the prescribed form, rule 5 envisages a situation wherein the court has to serve notice of the application either on the Advocate for the caveator, if any, or on the caveator. The above amendment to rule 1 of Order LIV is intended to obviate the discrepancy.

The High Court has proposed to issue the 'Kerala Civil Courts (Case Flow Management) Rules, 2013' with the objective of achieving more disposal of cases. Sub-rule (1) of rule 4 of the said Rules stipulates that the summons or notices issued in suit, appeal or original proceedings shall indicate maximum of 30 days for filing written statement or objection from the date of service of summons or notice. The amendment to Form No. 3 of Appendix B is necessary to give effect to the said provision.

The notification is intended to achieve the above objects.

District Court, Kasaragod

PROCEEDINGS

Judicial Department—Subordinate Judiciary—Civil Judicial Wing of Kasaragod District—Establishment—Leave—Commuted leave for 10 days from 22-10-2013 to 31-10-2013 as Leave preparatory to Retirement to Sri P. A. Vijayan, Sheristadar, Sub Court, Kasaragod—Orders issued.

- Read.*—(1) Proceedings Order No. B1-85/2013 dated 11-10-2013 of the Hon'ble High Court.
- (2) Letter dated 21-10-2013 of the Sub Judge, Kasaragod.
- (3) Application dated 21-10-2013 put in by Sri P. A. Vijayan, Sheristadar, Sub Court, Kasaragod.
- (4) High Court Circular No. 9/1986 dated 9-7-1986.

Order No. A1-10122/2013, dated 26-10-2013.

As per the proceedings order read as 1st above, Sri P. A. Vijayan, has been appointed and posted as Sheristadar, Sub Court, Kasaragod. He took charge as Sheristadar on the F.N. of 19-10-2013.

Sri P. A. Vijayan, Sheristadar, has applied for commuted leave for 10 days from 22-10-2013 to 31-10-2013 as Leave Preparatory to Retirement.

1. Therefore Sri P. A. Vijayan, Sheristadar, Sub Court, Kasaragod is granted commuted leave for 10 days subject to the eligibility from 22-10-2013 to 31-10-2013 as Leave Preparatory to Retirement under Rule 84, Part-I, K.S.R. and allowed to avail the leave granted to him.

2. Sri P. A. Vijayan, is allowed to retire from service on the A. N. of 31-10-2013 without joining duty.

3. Sri P. A. Vijayan, Sheristadar is directed to hand over charge of the Office to the Junior Superintendent and will forward the Report of Transfer of Charge as usual.

4. Certified that Sri P. A. Vijayan, Sheristadar, Sub Court, Kasaragod would have actually continued to officiate as Sheristadar, Sub Court, Kasaragod from 22-10-2013 to 31-10-2013 but for his proceedings on leave.

M. J. SAKTHIDHARAN,
District Judge.